

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.fire.ca.gov



MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
October 1, 2, & 3, 2002
South Lake Tahoe, California

BOARD MEMBERS PRESENT :

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Mark Bosetti
Susan Britting
Robert Heald
David Nawi
Tharon O'Dell
Gary Rynearson

BOARD STAFF PRESENT :

Daniel R. Sendek, Executive Officer
George Gentry
Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Jim Mote, Regulations Coordinator

DEPARTMENTAL STAFF PRESENT :

Ross Johnson, Deputy Director
Resource Management
Jerry Ahlstrom, Resource Management

CALL TO ORDER

Chairman Dixon called the October 2002 meeting of the Board of Forestry and Fire Protection to order.

REPORT OF EXECUTIVE SESSION

He commented that the Board had met in Executive Session, but there were no action items.

MINUTES

Chairman Dixon reported that the September and October minutes would be presented at the November meeting of the Board.

CHAIRMAN'S REPORT

Chairman Dixon introduced the newest Board member, Dr. Susan Britting, and welcomed her to the Board. He thanked Unit Chief Rich Green for the wonderful tour and Steve Harcourt for the ride on the Gondola allowing the

Board the opportunity to view the Gondola fire. He reported on his trip to tour the Idyllwild area to observe the Bark Beetle devastation. He commented that it was similar to the Sudden Oak Death areas on the North Coast.

REPORT OF THE DIRECTOR

Mr. Ross Johnson extended a welcome to Member Britting to the Board. He reported that the Director was in Vermont with the National Association of State Foresters, and that representatives from CDF were in Utah to attend the Annual Western State Roundup of Forest Practice programs from each of the western states.

Mr. Johnson commented that the Rumsey Canyon fire is just about out and there is nothing else going on at this time. There was nothing new to report on the budget and he indicated that there have been no decisions regarding vacant positions within the Department.

Mr. Johnson reported that the Department has been testifying at the Regional Water Quality Control Board hearings regarding the Waiver issue. It is believed that the Waivers will most likely terminate at the end of the year.

Mr. Johnson noted that the Department has come up with \$200,000 through Proposition 40 for the bug infestation in Idyllwild. One of the problems is trying to remove the dead trees.

Mr. Marckwald requested that the Department provide a briefing on the Department of Finance's direction on cuts by Chief Management Services for next month.

REPORT OF THE OAK MORTALITY TASK FORCE

Mr. Mark Stanley, California Oak Mortality Task Force Chair (COMTF), provided an update on the COMTF and the Zone of Infestation for the Board. He noted that only the affected plant parts of Coast Redwood and Douglas-fir have been added to the state and federal quarantines. The regulated parts include needles, twigs, and branches less than an inch in diameter, burl sprouts, and seedlings. This will also affect Christmas trees.

Mr. Stanley commented that the harmonization of state and federal regulations is expected to be completed by the end of the month. When federal regulations in California are in place, some materials can move within a regulated county, but not outside of the county. All agencies will regulate soils on equipment and transportation vehicles. Canada has regulated the whole host and only sawn material can be moved. He reported that an Alameda County SOD plan has been submitted and returned by CDF for revision.

Mr. Stanley noted that on September 17, 2002, 145 citizens attended the town hall meeting in Redway. It was a good educational meeting with lots of discussion. Spain has reported finding SOD in its oaks.

Mr. Stanley announced that Lucia Briggs, UC Berkeley Center for Forestry, is the new coordinator for COMTF. Maggi Kelly of UC Berkeley, Environmental Sciences, Policy and Management Department was awarded a New Investigator Program Award from NASA for her work regarding Sudden Oak Death in California.

Mr. Stanley announced that on December 16-18, 2002, the Task Force and Research Symposium would be held in Monterey.

Mr. Heald wanted to know how the quarantine on tree seedlings affects the nurseries.

Mr. Stanley commented that the nurseries would need to conduct testing once a year by taking 40 samples and doing an intensive review, as well as a test and certification every month.

Mr. Rynearson wanted to know the federal status on surveys.

Mr. Stanley replied that the COMTF has had a number of meetings with USDA. Initially COMTF was told that USDA would not accept “free-from” surveys on the wildlands. The Department is putting together a group to come up with a free-from or delimitation survey with the Agricultural Commission from San Mateo County, CDF, Forest Service, and USDA staff to run a pilot to determine its feasibility. This survey will provide the protocols to determine if it works.

Mr. Stanley asked for approval of the modified Zone of Infestation. The only change is that the hosts and locations of the ZOI are now directly linked to existing CDFA regulations dealing with SOD.

02-10-1 Mr. Heald moved to adopt the Zone of Infestation as presented. Mr. Rynearson seconded the motion, and all were in favor.

REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US ENVIRONMENTAL PROTECTION AGENCY

Mr. Joe Blum, National Marine Fisheries Service (NMFS), provided a detailed update on the Klamath River. He noted that 20, 000 to 30, 000 adult salmon were killed, mostly fall-run Chinook salmon. Most died of suffocation due to the bacteria on their gills. There are no apparent large-scale mortalities in other species or life stages. He reviewed the briefing plan for the Board. NMFS will have a good database by the end of the year. NMFS believes that there will be impacts in the coming years and will keep the Board informed.

Mr. Ed Gee, Deputy Forest Supervisor for the Lake Tahoe Basin Management Unit, provided a copy of the USDA-Forest Service and the Lake Tahoe Basin Management Unit’s review of the Sierra Nevada Framework Plan amendment (SNFP) and the Environmental Improvement Program for the Lake Tahoe Basin for the record. He reviewed the document for the Board. A Copy of that report is available through the Board Office.

PUBLIC FORUM

Mr. Dave Sims referred to CDF’s letter regarding residential lot tree removal and read item two into the record. He said that the 3-acre Conversion Exemption is a problem for the small landowner regarding the permitting process. He asked that this item be put on a future Board agenda. This is residential property not forest property.

Mr. Rynearson commented that the *Ad Hoc* Committee would be reviewing the definition of “timberland” in November and that should address those concerns.

Mr. Rentz wanted to know about the progress regarding the CFA letter to the Board requesting a presentation by the NMFS and DFG’s on their survey of fisheries and fish populations.

Chairman Dixon commented that the Executive Officer was going to address that issue in his report later in the day.

Mr. Rentz commented that the Water Quality Waiver issue ties back to the budget issue. He believes that it would create a parallel review process for THP approval. CFA does not believe that the Regional Water Board’s, or the State Water Board have addressed the question of additional staff and funding. He asked that the Board encourage the State and Regional Water Quality Boards to address this issue. He provided the Board with a handout on Wildfire Facts, Choices, Truth, Values, and Balance. He asked that the Board take time to review it. There are numerous California communities at risk of wildfires on federal lands. He believes that it is imperative to address the fuels buildup issue on all the lands. He commented that the Gondola fire was a small fire, but cost 3 million dollars to fight. There have been examples where proactive efforts to reduce fuel buildups have succeeded.

Mr. Dan Weldon, Forest Landowners of California (FLOC), provided a copy of the itinerary for the FLOC Family Forest Field Day, October 5, 2002, in Fort Bragg. The focus will be on NTMP and water quality issues. He indicated that the Board is always welcome to attend.

Mr. Pete Thill expressed concerns regarding the greenbelt maintenance and repeated conversion issues in the community of Graeagle. He commented that 90 percent of his clients are small landowners and asked that the Board remember they are out there trying to do their jobs, but the paperwork gets overwhelming.

Mr. Richard Gienger commented that both SB 1828 and SB 434 need to be addressed. He then referred to the Stay regarding the PALCO SYP and the meaning of the court order. He believes that this issue needs to be resolved. He expressed frustration regarding CDF's and DFG's tardiness in preparing documents.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), provided copies of an August 29, 2002, Order of Stay on PL operations and the September 27, 2002, Motion to Vacate Stay. PL should not be operating on their lands at this time and violating the laws of California. She believes that continuation of operations on PL lands could have a significant impact to resources. She asked that the Board write to CDF to have them enforce the law.

Mr. Robert Di Perna, EPIC, provided a copy of a newsletter from EPIC regarding the Pacific Lumber Court Order for Stay of operations and reviewed it for the Board. He believes that CDF does have the authority to shut them down. The public-trust resources are at risk. He then welcomed Member Britting to the Board.

Mr. Kent Stromsmoe welcomed the new member to the Board. He expressed concerns about the judge's Order regarding PL Operations. The only issue should be the six unapproved THPs. He commented on the lack of public confidence in CDF and this Board. He believes that CDF's reason for not completing the Administrative Record may be political, and if CDF and other agencies had complied with the requirements of supplying an administrative record this issue would not exist.

Mr. Kathy Bailey, Sierra Club, commented that Sierra Club is a co-plaintive on the PL litigation and supports EPIC's and HWC's comments in asking the Board to address the fact that PL is ignoring the Stay. CDF does have the authority to issue a Stop Work Order.

Vice Chair Marckwald announced that Chairman Dixon had been called away and that he would Chair the remainder of the meeting.

HEARING TO CONSIDER THE AMENDMENT OF REGULATIONS MODIFYING THE PROCESS BY WHICH ARCHAEOLOGICAL SITES ASSOCIATED WITH TIMBER HARVESTING OPERATIONS ARE ADDRESSED

Vice Chair Marckwald noted that there would be no public comment on this issue and asked the Executive Officer to give a brief overview of the events of the past three weeks since the Board's last discussion of this package.

Mr. Daniel Sendek, Executive Officer for the Board, reported that at the end of the last noticed hearing, the Board asked staff to track and report back, Legislation relative to SB 1828, which contained a statutory definition of sacred sites; that bill was returned unsigned on September 30, 2002. SB 483 was approved which does contain a definition of Native American sacred site. SB 1816 was approved which authorizes civil penalties associated with destruction of Native American sites.

Mr. Heald commented that he has reviewed the proposed language and believes that the proposed revisions are adequate to adopt with regard to the issue of sacred sites. He believes that the Board has an obligation to deal with this issue and that there are mechanisms in place to deal with them. He would like to adopt the language as noticed.

Mr. Nawi believes that the inclusion of "sacred sites" adds clarity. He supports the proposal as presented.

Mr. Ryneanson commented that SB 483 is currently enrolled and not contingent on SB 1828 being signed by the Governor.

Mr. Bruce Reeves, Deputy Attorney General and Board's Counsel, commented that SB 1828 defers to another bill that the Governor did sign SB 483. One of the provisions of that law states that this bill would become operative

only if SB 1828 are enacted and becomes effective on or before January 2003. He does not believe that there is a definition of “sacred sites” that has an enforceable law.

Mr. Rynearson expressed his concern that it will sunset by December 31, 2002.

Mr. Marckwald commented that SB 483 and SB 1828 contain the identical definition of sacred sites. Whatever caused the veto of SB 1828, it was not the Legislature’s approved definition.

Mr. Reeves replied that it was his understanding that it was the evidence for those sites that the Governor had a problem with, not the definition.

Ms. Britting wanted to know if there is a definition for ceremonial sites.

Kirk Marckwald asked Mr. Foster to comment.

Mr. Dan Foster, Department of Forestry and Fire Protection, commented that he did not believe that there was a specific definition in state law for ceremonial sites, but “traditional cultural properties” includes ceremonial sites and sacred sites. State Parks has a National Register Bulletin on guidelines for evaluating “traditional cultural properties.”

Ms. Britting supports the package with the term “sacred sites,” as it provides clarity.

02-10-2 Mr. Heald moved to adopt the package as presented with Option A on line 7, page 19; and on line 14, Option One; and on line 15, unstrike the word “minor.” Mr. Nawi seconded the motion, and a roll call vote was taken.

Bosetti	Nay
Heald	Aye
Rynearson	Nay
Nawi	Aye
Britting	Aye
O'Dell	Nay
Marckwald	Aye

Motion failed with a 4-3 vote.

Mr. Nawi wanted to know if there was a difference between the words “sites” and “properties.”

Mr. Foster replied that he did not believe that there was any significant difference between those two words.

Mr. Nawi wanted to know what the Department’s reaction would be to adding the words traditional cultural “sites or properties” for clarity.

Mr. Foster commented that he believes that it would add clarity. If the lack of a definition for clarity on the meaning of sacred sites is something that cannot be adopted, then the Department would encourage the Board to adopt with or without those two words, and “sites or properties” might be a reasonable solution.

Mr. Rynearson wanted to know if those two words were removed, would there be any additional exposure or risks to Native American cultural resources.

Mr. Foster indicated that there could be a potential impact from the Native American community that would have to be explained.

Mr. Rynearson reiterated his concern that on December 31, 2002, that definition goes away.

Mr. Nawi commented that it was his understanding that this bill would never come into effect. It would only go into effect if SB 1828 is signed and chaptered.

Mr. Reeves noted that language says that this bill would become operative only if SB 1828 is enacted and becomes effective on or before January 1, 2003.

Mr. Marckwald wanted to know that if the Board passed this proposed regulation without "sacred sites", and the Department was asked if sacred sites would be covered, what would the Department's answer be?

Mr. Foster replied that the Department's answer would be yes. They are covered under criterion (e) of the definition of a significant site and also under this definition as part of traditional cultural properties.

Mr. Nawi wanted to know if "sacred sites" were struck and "sites or properties" added, would that require a 15-Day Notice?

Mr. Reeves commented that he did not believe it would not require re-noticing.

02-10-3 Mr. Nawi moved to strike "sacred sites" and add "sites or properties.", as well as include the options in the previous motion. Mr. Ryneerson seconded the motion, and a roll call vote was taken.

Heald	Aye
Ryneerson	Aye
Nawi	Aye
Britting	Aye
O'Dell	Aye
Bosetti	Aye
Marckwald	Aye

The motion passed by unanimous vote.

Vice Chair Marckwald commented that the Board would consider the findings later in this meeting after the Members have had the opportunity to review them.

PRESENTATION AND REVIEW OF THE REVISED JACKSON DEMONSTRATION STATE FOREST (JDSF) MANAGEMENT PLAN, INCLUDING RECOMMENDED MODIFICATIONS

Mr. Ryneerson recused himself because his firm was involved as a sub-contractor in the preparation of the EIR for the state review.

Mr. Ross Johnson provided the Board with an overview of the Department's final version of the Jackson Demonstration State Forest Management Plan. He provided some background for the new members. He noted that the public comment period ended on September 19, 2002. The Department certified the final EIR on September 26, 2002. He noted that the members had a copy of the findings of the EIR. He commended all of those involved in the preparation of the Management Plan and the EIR. He referred to the package called "The Jackson Demonstration State Forest Revisions to the May 17, 2001, Draft Management Plan." In that package are revised colored maps. He referred to the map posted on the wall and reviewed it for the Board.

Mr. Mark Jamison, Deputy Chief and Manager of JDSF, reviewed the background for the members. He noted that subsequent to the certification of the EIR, the Department had amended the Draft Management Plan to conform to the recommendations from that EIR. He provided a brief overview of the Demonstration Forest. He then reviewed the Jackson Demonstration State Forest Revisions to the May 17, 2001, Draft Management Plan and the significant changes for the Board.

Mr. Heald commented that it was a great overview. He wanted to know if the Department has the ability under this Plan to take topics of interest and apply them in a way that will demonstrate and provide research opportunities.

Mr. Jamison commented that the Plan was meant to span the spectrum of silvicultural opportunities.

Mr. Heald wanted to know if variable retention would be possible over the next five years, and did the Department expect the Plan to require additional staffing.

Mr. Jamison said that it would be possible to do 20 to 40 percent retention under this Plan and that there would be a need for additional personnel.

Mr. Heald wanted to know how much of the 1.6 million dollar budget would be spent on demonstration projects.

Mr. Jamison replied that 20 to 25 percent of it would go toward personnel.

Mr. O'Dell wanted to know how many owl activity centers are on the property.

Mr. Jamison responded that a few years ago there had been 12 centers noted. He believes that there are four sets on Jackson and others on adjoining ownerships.

Ms. Britting enquired as to how staff functions would be redistributed.

Mr. Jamison said that there would be a need to reprioritize due to impacts and resource inventory.

Ms. Britting commented that the Research Plan does not apply specifically to JDSF.

Mr. Jamison replied that it applies to Jackson State Forest, but it is not something that can be implemented with the current level of staffing and budget. It is a forward-looking document.

Mr. Marckwald wanted to know the status of the document within the Department.

Mr. Jamison replied that it is a draft proposal within the Department and not meant to be an attachment to the Management Plan.

Mr. Heald referred to the discussion within the document on mitigating visual impacts. He wanted to know how the Department intended to balance two alternative management schemes and provide evidence of those visual impacts so that people can compare them.

Mr. Jamison commented that the laws of the state and CEQA bind the Department. The Department can create variances and visual effect, but do not intend to target recreation sites with that.

Mr. Heald suggested that a phrase indicating that consideration would be given to the demonstration value making them visible would be useful.

Mr. Jamison indicated that it would be a possibility and is a good idea.

Mr. Rick Rayburn, Chief of the Natural Resource Division for State Parks, commented that State Parks is impressed with the Plan and supports it. The Plan has both preserve and working landscapes. It is the largest preserve area of this type north of San Francisco and Humboldt Counties. It is exciting to see this change in the focus on the Big River area, which is an important watershed. There are five units of State Parks lands in the JDSF area. State Parks has been looking at sustainability and that has been a big problem on the Mendocino Coast with the small ownerships. He commented that State Parks supports approval and action on the Plan today.

Ms. Britting wanted to know the time line on the JDSF and State Parks agreement.

Mr. Rayburn commented that CDF and State Parks are working with staff in a coordinate effort and believes that it will be completed during this fiscal year.

Public comment

Mr. Mark Rentz, California Forestry Association (CFA), commented that CFA believes this to be a good effort and supports and encourages the Board to adopt the JDSF Management Plan. The primary focus is the demonstration of economic and environmental viability. Industry has relied on State Forest projects to guide silvicultural practices. He noted that "demonstration" is a crucial term.

Mr. Richard Gienger commented that there are some good aspects, but he was disappointed that there were no comprehensive fisheries restoration provisions.

Mr. Scott Stephens believes that the winter months should be considered in the Plan.

Ms. Kathy Bailey, Sierra Club, received deferral time from others who had signed up to speak. She noted that in the Final EIR, 100 pages are missing. The Sierra Club believes that there are four areas of focus: old forests of 80-100 year second growth, Murrelets, watercourse zones, and clear cutting. She wants JDSF to abandon even-aged management. She believes that all of the Watercourse and Lake Protection Zones should be grown as late seral. She commented that critical language has not been reflected in the Plan. She wanted to know how the 10,000 acres of 100-year old growth was to be managed. Old growth development misses older existing stands. She provided a map showing the distribution of 100-year-old stands vs. the JDSF Management Plan and reviewed it for the Board. She pointed to ownership patterns surrounding the state forest and the areas designated for old growth that had been recently harvested.

Ms. Bailey urged the Board not to approve plan today, and asked CDF for an analysis to including more 100-year-old trees into old growth recruitment areas. She believes that having the EIR approved before Plan could present legal problems.

Mr. Bill Heil, Campaign to Restore Jackson Demonstrate State Forest, read a portion of a CDF news release and a quote from Director Tuttle into the record. He does not believe that the Management Plan is consistent with the news statements. He urged the Board to look at the Plan with a different objective.

Mr. Kent Stromsmoe commented that the Board of Director's of Forests Forever, a steering committee of the Bay Area Coalition for Headwaters, and the Forest for Monitoring Project requests that the Board realize that there are recent changes and revisions to this Plan that they have not had time to digest and comment on. He urged the Board not to approve the Plan today.

Mr. Mike Yoshioka commented that it looks as though CDF is trying to keep the public out of this decision making process. He believes that the Board should take more time before approving this Plan.

Mr. Dan Weldon, Forest Landowners of California (FLOC), spoke in support of the Plan. FLOC believes that revenues are needed for the FRIF fund and CFIP to help landowners. The demonstration components are very valuable. FLOC endorses a speedy approval of this Plan.

Mr. Scott Johnson, California Forest Pest Council, commented that the funding for the Pitch Canker research is linked to the FRIF fund. He asked that the Board approve the Plan.

Vice Chair Marckwald asked for comments from the Department and then Board members.

Mr. Ross Johnson, Deputy Director of Resource Management, commented on the issue of resources and stated that this is a 10 to 15 year plan. The rotation ages for stands are 60-150 years in even-aged management and may require a BCP. He indicates that the Department may have to re-direct staff.

Mr. Heald wanted to know what the intention was for the WLPZ's silviculturally.

Mr. Johnson referred to page two, table six and commented that 7,000 acres in WLPZ were older trees.

Mr. Heald wanted to know what portion of the WLPZs would be in plans with short rotations.

Mr. Jamison commented that 10 to 13 percent of the total land base.

Mr. Heald asked if the near term was focused on converting young growth stands to older stands and moving into stands as they warrant treatment such as thinning. He wanted to know if the Department was pushing limits on group selection.

Mr. Jamison commented that the total acreage is not particularly material.

Mr. Heald wanted to know if within a stand managed by group selection, did the Department always regenerate 20 percent or regenerate less on occasion.

Mr. Jamison indicated that less than 20 percent is regenerated on occasion.

Ms. Britting wanted to know where the description for variable retention was in the Plan.

Mr. Jamison commented that it was within the desired future conditions portion of the Plan.

Mr. O'Dell wanted to know about the cost and benefit analysis such as staffing.

Mr. Jamison indicated that most contractors provide cost-breakdowns and staff costs are tracked.

Vice Chair Marckwald wanted to know the consequences of action or non-action on the Plan today.

Mr. Johnson replied that the Department would like approval today, but that it was not necessary.

Ms. Britting commented that she has not had enough time to review the Plan or the late information provided by CDF.

Mr. O'Dell indicated that he was comfortable with the Plan and prepared to vote today.

Mr. Nawi said that he would like to put it off until November.

Members Bosetti and Heald indicated they could move on it today.

Vice Chair Marckwald suggested putting the Plan approval over until November in deference to Members Britting and Nawi.

Mr. O'Dell requested that the discussion in November be limited to Board only.

Vice Chair Marckwald commented that only new issues raised from the Department's recently circulated Plan revisions were subject to public comment in November.

There was Board concurrence.

Vice Chair Marckwald asked Board's Counsel if the Board could resume its Executive Session to discuss potential litigation.

Mr. Bruce Reeves, Deputy Attorney General and Board's Counsel, indicated that the Board could meet again in closed session.

REPORT OF THE EXECUTIVE SESSION

Vice Chair Marckwald reported that the Board met in closed session, per Section 11126 (e) of the Government Code, to discuss potential litigation. No action was taken.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL REPORT

Mr. Scott Johnson, Chairman of the California Forest Pest Council (CFPC), reviewed some background of the CFPC for the new Members. He provided an update on the Bark Beetle in Southern California. A lot of trees are dying out. He reported that Pitch Canker is still a problem. The Task Force has a research program, which is funded through FRIP. The Weed Committee had its tour in Fort Bragg area in July, and looked at commercial and private timberland, mainly Campbell, Hawthorne, and Mendocino Redwood. There were several stops at State Parks in the Mendocino district and several stops on JDSF in the context of vegetation management. There are severe invasive plant problems. The Dalmation Toad flax, which is a problem invasive weed, has been found in El Dorado County. The El Dorado County Agricultural Commission has been doing a lot of invasive weed surveys. Through monitoring, they found that the weed has come down stream to Silver Creek on the El Dorado National Forest. He expressed his appreciation to the CDF Region Chiefs for their interest and assistance in noxious weed control efforts in California. He announced that the CFPC's 51st Annual Meeting would be held on November 21 & 22, 2002.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Jeff Stephens, Executive Secretary for RMAC, commented that the USFS was organizing a Range Monitoring Workshop and has requested RMAC's participation. The USFS would like for RMAC to recommend and contact speakers and agenda items for the Workshop. This request came through the Resource Protection Committee (RPC) meeting. He asked for the Board's concurrence for RMAC to participate with this project.

Mr. Bosetti commented that this was presented through RPC and the Committee recommends that the Board concur with this request for RMAC's participation.

The Board was in concurrence.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell referred to the written MSG report in the Board's binder and provided an overview for the Board. The MSG last met on September 17, 2002, at Howard Forest, and it was well attended. A combined presentation was provided by Cajun James, Dr. Lee Benda and Dr. Morgan Hannaford on temperature, large woody debris, and macroinvertebrate data for the Southern Exposure Research site located on SPI's lands in Tehama County.

Mr. O'Dell commented that there was continued discussion on the cooperative THP-scale Instream Effectiveness Monitoring Projects. CDF has agreed to participate in long-term studies with Campbell Timberland Management and SPI to monitor the effectiveness of current timber harvesting practices on protecting water quality.

Mr. O'Dell noted that CDF provided a Power Point presentation on the preliminary development of the updated Hillslope Monitoring Program Draft Board of Forestry Report for THPs and NTMPs evaluated from 1996 through 2001. CDF also provided a Power Point presentation on the Modified Completion Report Hillslope monitoring data collected by CDF forest practice inspectors to date.

Mr. O'Dell noted that the Department announced that the Cumulative Watershed Effects Project based on the "Dunne Report" has been cancelled due to State Water Resources Control Board funding reductions.

Mr. O'Dell announced that the next meeting is scheduled for November 13, 2002, at the Howard Forest Training Center.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry commented that since last meeting the PFEC held a closed session on August 29, 2002, to discuss disciplinary matters and the upcoming RPF exam. The exam questions were finalized and the exam will be conducted on October 18, 2002. There are 43 applicants for the exam, three of those are for Certified Range Managers. The locations are Arcata, Santa Rosa, Redding, Sacramento, and Riverside. He noted that there was one request for withdrawal from John Gleason Miles.

02-10-4 Mr. O'Dell moved to approve the request by RPF, John Gleason Miles, for a 5-year withdrawal. Mr. Heald seconded the motion, and all were in favor.

Mr. Gentry noted that there are two members of the PFEC whose terms will expire on January 15, 2003. He asked that the Board form a nomination committee to find new applicants. Those members whose terms will expire are Chairman, Doug Ferrier and Range representative, Mike Stroud.

Vice Chair Marckwald deferred that task to Chairman Dixon to be discussed during the Board's November meeting.

REPORT OF THE STANDING COMMITTEES

RESOURCE PROTECTION COMMITTEE

Mr. Bosetti reported that the Deputy Director, Jim Wright, informed the Committee of the current staffing levels relative to the fire season. Director Wright indicated that they generally begin to wind down at this time, but due to the current fire conditions the staffing levels are still in place. There were reports from the Northern and Southern Regions and copies are in the Board's binder and available at the Board Office. He noted that the Northern Region has formed a committee to evaluate the Fire Safe clearance requirements to determine whether or not they are sufficient. The Southern Region provided an update on the LE 38 inspections that they have been undertaking. A spreadsheet with the frequency and the number of inspection will be provided to Board members for review.

Mr. Bosetti commented that RMAC provided a presentation on its Vegetation Management Program, indicating that they are working on their annual report for presentation at the November meeting.

Mr. Bosetti reported that the Department provided a briefing on the Fire Safe Council's activities, indicating that currently the Fire Safe Council is spending a lot of its time working with the tax-exempt status that they are trying to obtain. The next meeting of the Fire Safe Council is scheduled for October 24, 2002, in Butte County.

INTERIM COMMITTEE

Mr. Heald commented that the Interim Committee had four items on its agenda. There was a good discussion regarding the continued review of the proposed Oak Retention Standards. There are still concerns about the necessity of the proposal. DFG provided a publication documenting the critical value of deciduous hardwoods to wildlife. The Committee has developed a proposal, which is still in the discussion phase. The draft proposal will be provided to Board members as soon as possible and will be placed on the Website so that it is available for continued discussion at the next meeting.

Mr. Heald commented that there was a continued discussion of the report from the Forest Reptile Amphibian Working Group (FRAWG). There was concern during the last Interim Committee meeting regarding the guidance portion of this document, which suggested typical mitigation measures. There was good discussion and staff will post this on the website and distribute to Board members.

Mr. Heald then commented that the Interim Committee and *Ad Hoc* Committee developed with a list of issues for consideration for 2003. He read those into the record. He express his hope that there would be time available

during the November meeting for a serious discussion of the organization of the Board and how those items could be dealt with.

AD HOC WATERSHED COMMITTEE

Mr. O'Dell provided the report for the *Ad Hoc* Committee. He commented that the Committee discussed many of the same items as the Interim Committee. The Committee would like to consider different processes for rule development. There was a discussion on the state of the timber industry in terms of forest landowners, their attitudes and business practices, and the general well being of what is happening in the timber world in California. There was also discussion on rule revisions. The Department volunteered to review the Roads rule package and to include in that review staff from Water Quality, the California Geological Society, Department of Fish and Game, and others. Field trips will be an important part of that review to sort out stewardship issues for operators. There will also be a review of Winter Period language supplied by the National Marine Fisheries Service.

NEW AND UNFINISHED BUSINESS

Vice Chair Marckwald asked for consideration and approval of findings. He asked if the Board members have had time to review the findings for Hardwoods 2002.

Mr. O'Dell commented that he thought that one read okay, but he had a problem with the other one under consideration.

02-10-5 Mr. O'Dell moved to accept the Findings on Hardwoods 2002 as presented. Mr. Heald seconded the motion, and a roll call was taken.

Britting	Aye
O'Dell	Aye
Bosetti	Aye
Heald	Aye
Nawi	Aye
Marckwald	Aye

The motion passed by unanimous vote.

Vice Chair Marckwald asked for consideration of the Findings for the Archaeology package.

Mr. Bosetti commented that he was not sure how the "no additional costs to state agencies" was evaluated. He believed that extra burden put on the state in that regulation.

Mr. Jim Mote noted that the Department felt that if the RPF's reports were reviewed before submitting them to the Center there would be no additional costs.

02-10-6 Mr. O'Dell moved to accept the Findings for Archaeology 2002 as submitted. Mr. Bosetti seconded the motion, and a roll call was taken.

O'Dell	Aye
Bosetti	Aye
Heald	Aye
Nawi	Aye
Britting	Aye
Marckwald	Aye

The motion passed by unanimous vote.

Vice Chair Marckwald asked for consideration of the Findings for the Stocking Standards 2002 package.

Mr. O'Dell read from the top of page two, "regulated public by allowing counting trees toward stocking that are already 'required' to be retained," where the word "encouraged" was used earlier. He did not believe that in paragraph number two regarding adopting these regulations, made sense.

Mr. Heald commented that it is technically correct, it reads awkwardly and perhaps a comma would make it understandable.

Mr. O'Dell said that was not clear.

Mr. Heald suggested having it read, "regeneration methods specific basal area requirements."

Mr. O'Dell agreed with that. He referred again to the difference between "required" and "encouraged" on the top of page two. Also, in the last sentence about the Board, the word should be "or" rather than "nor."

Mr. Heald suggested that the first sentence be revised as follows: "The rule reduces the cost to the regulated public by allowing counting additional types of trees towards stocking standards that are already required by regulatory agencies".

Mr. O'Dell agreed with the change.

Mr. Heald asked Member O'Dell if he agreed with the sentence in the middle of page one towards the end of the second paragraph where there is a statement that reads, "wildlife which needs these forest elements may have declined as a result."

Mr. O'Dell commented that he believed that to be opinion rather than a finding.

Vice Chair Marckwald agreed that it was not a finding.

Mr. Bosetti restated his reason for his dissension last month for the record. He did not believe that the Board adequately evaluated the attendant laws of productivity by allowing for inclusion of snags and these type trees for the overall level of stocking.

02-10-7 Mr. Heald move to adopt the findings as amended. Mr. O'Dell seconded the motion, and a roll call was taken.

Bosetti	Nay
Heald	Aye
Nawi	Aye
Britting	Aye
O'Dell	Aye
Marckwald	Aye

The motion passed by a 5-1 vote.

Vice Chair Marckwald asked if the Department had any comments regarding practices or activities on Pacific Lumber's (PALCO) lands.

Mr. Johnson commented that it was brought up that CDF was not inspecting active operations. After checking with the Unit, that statement was not true, CDF is continuing to do periodic inspections on any active operations that PALCO has. Also, PALCO is not working on any plans that have not been approved.

REPORT OF THE EXECUTIVE OFFICER

Mr. Daniel Sendek, Executive Officer for the Board, reported that CDF's Legislative staff has forwarded a summary of the 2001/2002 Legislation Session. He distributed it to the Board for its review. He reported that he attended the Central Valley and North Coast Water Quality Workshops and he concurred with the Department's assessment and agreed that they have a huge task and not very much time. He made contact with the Executive Officer in the Central Valley Board as well as a member of the North Coast Board staff and offered any assistance that the Board or its staff could render.

Mr. Sendek provided an update on the Sensitive Species Working Group. The Group met last month in Redding. Its charge was to look at different areas of the Board's Sensitive Species Designation and report back. They are scheduled to report next month. The Group will hold meetings on October 4, 15, and 30 in Redding.

Mr. Sendek commented that he wrote a letter to the National Marine Fisheries Service and the Department of Fish and Game regarding a presentation, requested by the California Forestry Association, on fisheries and fish population. He referred to a letter from the National Marine Fisheries Service regarding this presentation and suggested it be made during the next regularly scheduled Joint meeting of the Board of Forestry and the Fish and Game Committee. He has not received a response from DFG.

Mr. Sendek asked that the Board provide him input regarding its travel schedule for 2003. It looks as though May would be the best time for the Joint Fish and Game Commission meeting in Riverside.

Vice Chair Marckwald suggested that the Executive Officer speak with his counterpart on the State Water Resources Control Board about a joint meeting in 2003. He then asked that a combined list of priorities for 2003 be compiled so the public could be informed and then have a discussion at the next meeting.

Ms. Traci Thiele asked that the Board meet in Humboldt and take a field trip to some of the watersheds in that area.

Vice Chair Marckwald thought that would be a good idea. He then thanked all the staff for the extra effort it takes in arranging and preparing travel meeting.

ADJOURNMENT

Vice Chair Marckwald adjourned the meeting.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.